

REMARKS/ARGUMENTS

The Examiner has repeated, and made Final, all previous rejections.<sup>1</sup> This is reversible error that will not be sustained on appeal by the Board. **The art cited plainly does not disclose Applicants' dispersant that must 1) comprise at least one anionic group and 2) is substituted by at least one polyether group.** Thus, there is no *prima facie* case, as not all the presently pending claim limitations are met by the applied art.

Present Claim 1 reads as follows (emphasis added):

A deagglomerated barium sulphate comprising a dispersant, primary particles, and secondary particles, wherein said primary particles comprise a crystallization inhibitor and have an average size < 0.1 µm, wherein the crystallization inhibitor and the dispersant are different compounds and wherein the dispersant comprises at least one anionic group and is substituted by at least one polyether group.

This claim has been finally rejected over the combination of Hardinghaus and Amirzadeh-Asl.

Hardinghaus discloses a barium sulfate to which is added a "wetting or dispersing agent." See [0021]. These materials are described in [0023] as follows:

[0023] Highly useful dispersing agents in the context of the present invention include (short chain) polyacrylates, typically in the form of the sodium salt; polyethers such as polyglycol ether; ether sulfonates such as lauryl ether sulfonate in the form of the sodium salt; esters of phthalic acid and its derivatives; esters of polyglycerol; amines such as triethanolamine; and esters of fatty acids such as stearic acid ester.

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<sup>1</sup> Apparently the Examiner also repeats the 112 rejections, even though they were addressed in the last response.

No material listed in Hardinghaus meets the description of Applicants' dispersant by comprising at least one anionic group and by being substituted by at least one polyether group: Hardinghaus' polyethers such as polyglycol ether do not contain anionic groups, and his anionic-group containing materials such as those containing carboxylate and sulfonate groups do not contain polyether groups.

Amirzadeh-Asl also fails to disclose Applicants' dispersant. The reference suggests covering barium sulfate with an "organic additive," as described in [0012]:

[0012] This object is achieved by covering the barium sulfate with at least one organic additive, the organic additive being selected from one or more of the substances or groups of substances: carboxylic acids, soaps, metallic soaps, alcohols; polyhydric alcohols, such as pentaerythritol, neopentyl glycol and trimethylolpropane; polyalcohols, such as polypropylene glycol and polyethylene glycol; organic esters, such as neopentyl glycol dibenzoate; silanes, siloxanes, silicone oils, organic sulfones corresponding to the formula  $RSO_2R$ , organic ketones ( $R-(C=O)-R$ ), organic nitriles ( $RCN$ ), organic sulfoxides ( $R_2SO_2$ ), organic amides ( $R-(C=O)-NR'R$  or  $R-(S=O)-ONR'R$ ).

As in Hardinghaus, no material listed in Amirzadeh-Asl meets the description of Applicants' presently claimed dispersant by comprising at least one anionic group and by being substituted by at least one polyether group.

Clearly, the rejection of Claim 1 over the combination of Hardinghaus and Amirzadeh-Asl is unsustainable on appeal, as not all of Applicants' presently claimed limitations are met even by a combination of the references. In consideration of this fact, the rejection should be reconsidered and withdrawn.

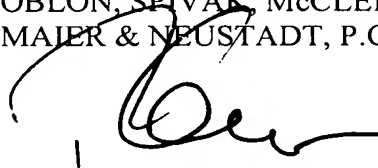
D'Muhala, cited in combination with Hardinghaus and Amirzadeh-Asl against Claims 4-10, 12-13, and 29-32, cannot cure the deficiencies of Hardinghaus and Amirzadeh-Asl as these latter two references are applied against Claim 1, as D'Muhala is not applied against Claim 1 and is cited for the disclosure of citric acid, which does not meet the description of Applicants' dispersant by comprising at least one anionic group and by being substituted by at least one polyether group. Thus, the rejection of Hardinghaus and Amirzadeh-Asl further in view of D'Muhala should be reconsidered and withdrawn.

Finally, and with regard to the Double Patenting rejections, MPEP 804 directs the Examiner to withdraw those rejections here, in the earlier filed case, and to consider these rejections during the prosecution of the later-filed cases. If the Examiner finds this application to be in condition for allowance but for the presence of Terminal Disclaimers he is asked to contact Applicants' representative at the phone number listed below, who will expedite the allowance of this case.

Accordingly, and in view of the above explanation, Applicants submit that this case is in condition for allowance, and early notification to this effect is earnestly solicited.

Respectfully submitted,

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